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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW MICHAEL HANSEN,

Defendant.

2:19-mj-00969-VCF

Petty Offense Plea Agreement

1. Defendant's Guilty Plea.

a. The Defendant, Matthew Michael Hansen (the "Defendant") shall plead guilty to **Count Two** of the Complaint – Failure to Maintain a Proper Lookout, a violation of Title 36 C.F.R. § 3.2(a), 33 C.F.R. § 83.05, a Class B misdemeanor.

b. Withdrawal of Guilty Plea. The Defendant will not seek to withdraw his guilty plea after he has entered it in court.

2. Other Charges. The Government will dismiss **Count One** – Operating a Vessel in a Negligent Manner, a violation of Title 36 C.F.R. § 3.8(b)(8); and **Count Three** – Failure to follow Mandatory State Boater Education Requirement, a violation of Title 36, C.F.R. § 3.6(c), N.R.S. 488.730(3), after sentencing.

1 **3. Facts Supporting Plea Agreement.** The Defendant admits and declares
2 under penalty of perjury that the facts set forth below are true and correct:

3 On July 2, 2019, in the State and Federal District of Nevada, within the
4 boundaries of the Lake Mead National Recreation Area, the Defendant
5 operated a 2018 Pontoon Boat bearing Nevada registration NV2449LC. A
6 National Park Service law enforcement ranger, while on patrol within the
7 boundaries of the Lake Mead National Recreation Area, responded to a vessel
8 accident with injuries at Sandy Cove. The ranger arrived on the scene and
9 located the above-referenced vessel. The injured party received medical
10 attention and was transported to the University Medical Center in Las Vegas.
11 The ranger made contact with the defendant at the scene. The Defendant
12 admitted to operating the vessel at the time of the accident. While operating
13 the above-referenced vehicle, the Defendant failed to maintain a proper look-
14 out at all times by sight and hearing as well as by all available means
15 appropriate normal circumstances and conditions so that he could make a full
16 determination of the situation

17 **4. Sentencing.**

18 a. The maximum penalty for Failure to Maintain a Proper Lookout, a
19 violation of Title 36 C.F.R. § 3.2(a), 33 C.F.R. 83.05, is six months of imprisonment, a fine
20 of \$5,000, or both.

21 b. The Defendant acknowledges that the district court does not have to
22 follow the recommendation of either party.

23 c. The parties agree to jointly recommend that the Defendant shall be
24 sentenced to unsupervised probation for a period of one year with special conditions, to include
that:

- 25 i. the Defendant complete a Victim Impact Panel;
- 26 ii. the Defendant must complete a boating safety course;
- 27 iii. the Defendant not return to Lake Mead National Recreation
28 Area for a period of six months;
- 29 iv. the Defendant not violate any local, state, or federal laws.

1 d. Notwithstanding its agreement to recommend a sentence as described
2 above, the USAO reserves its right to defend any lawfully imposed sentence on appeal or
3 in any post-conviction litigation.

4 e. Once the defendant has completed all the required conditions of this
5 plea agreement, the parties will file a joint status report with the Court.

6 5. **Waiver of Trial Rights.** The Defendant acknowledges that he has been
7 advised and understands that by entering a plea of guilty he is waiving – that is, giving up –
8 certain rights guaranteed to all defendants by the laws and the Constitution of the United
9 States. Specifically, the Defendant is giving up:

10 a. the right to persist in a plea of not guilty;
11 b. the right to proceed to trial by a federal judge;
12 c. the right to be represented by counsel—and if necessary have the
13 court appoint counsel—at trial. The Defendant understands, however, that, the Defendant
14 retains the right to be represented by counsel—and if necessary have the court appoint
15 counsel—at every other stage of the proceeding;

16 d. the right to be presumed innocent and to have the burden of proof
17 placed on the USAO to prove the Defendant guilty beyond a reasonable doubt;

18 e. the right to confront the witnesses against the Defendant at such a
19 trial and to cross-examine them;

20 f. the right to remain silent at such a trial, with assurance that his silence
21 could not be used against him in any way;

22 g. the right to testify in his own defense at such a trial if he so chooses;

23 h. the right to compel witnesses to appear at such a trial and testify on
24 the Defendant's behalf; and

1 i. the right to pursue any affirmative defenses, Fourth Amendment or
2 Fifth Amendment claims, and any other pretrial motions that have been filed or could be
3 filed.

4 6. **Appellate Waiver.** By entering into this Agreement, the Defendant
5 knowingly and expressly waives: (a) the right to appeal the sentence imposed by the Court
6 that is the same or less than what the parties jointly agree to recommend in Section 4 of this
7 Agreement; (b) the right to appeal the manner in which the Court determined that sentence
8 on the grounds set forth in 18 U.S.C. § 3742; and (c) the right to appeal any other aspect of
9 the conviction or sentence and any order of restitution or forfeiture. The Defendant also
10 knowingly and expressly waives all collateral challenges, including any claims under 28
11 U.S.C. § 2255, to his conviction, sentence, and the procedure by which the Court
12 adjudicated guilt and imposed sentence, except non-waivable claims of ineffective
13 assistance of counsel.

14 j. Preservation of Evidence: the Defendant acknowledges that the USAO and
15 the agencies investigating this case are not obligated or required to preserve any evidence
16 obtained in the investigation of this case.

17 7. **Result of withdrawal of guilty plea.** The Defendant agrees that if, after
18 entering a guilty plea pursuant to this agreement, the Defendant seeks to withdraw and
19 succeeds in withdrawing the Defendant's guilty plea on any basis other than a claim and
20 finding that entry into this agreement was involuntary, then (a) the USAO will be relieved
21 of all of its obligations under this agreement and (b) should the USAO choose to pursue
22 any charge that was either dismissed or not filed as a result of this agreement, then (i) any
23 applicable statute of limitations will be tolled between the date of the Defendant's signing
24 of this agreement and the filing commencing any such action; and (ii) the Defendant

1 waives and gives up all defenses based on the statute of limitations or any speedy trial claim
2 with respect to any such action, except to the extent that such defenses existed as of the
3 date of defendant's signing this agreement.

4 8. **Plea agreement part of the guilty plea hearing.** The parties agree that this
5 agreement will be considered part of the record of the Defendant's guilty plea hearing as if
6 the entire agreement had been read into the record of the proceeding.

7 9. **Removal / Deportation Consequences.** The Defendant understands and
8 acknowledges that if he is not a United States citizen, then it is possible that he will be
9 permanently removed (deported) from the United States as a consequence of pleading
10 guilty under the terms of this agreement. The Defendant has also been advised if his
11 conviction is for an offense described in 8 U.S.C. § 1101(a)(43), he will be deported and
12 removed from the United States and will not be allowed to return to the United States at
13 any time in the future. The Defendant desires to plead guilty regardless of any immigration
14 consequences that may result from his guilty plea, even if the consequence is automatic
15 removal from the United States with no possibility of returning. The Defendant
16 acknowledges that he has specifically discussed these removal / deportation consequences
17 with his attorney.

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Matthew Hansen
MATTHEW MICHAEL HANSEN
Defendant